

organize the militia of this State ; read second time, and, on motion of Mr. Wallace, laid on the table.

A bill for the relief of Elizabeth Ryals ; read second time, and, on motion of Mr. Robertson, laid upon the table.

A bill making an appropriation to defray the expenses incurred in publishing the proposed amendment to the constitution ; read and passed to the third reading.

A bill to incorporate the Texana Academy ; read and passed to the third reading.

Mr. Portis moved that the Senators be individually requested to attend in the Hall of the House of Representatives, this day, at 3 o'clock, p. m., to hear the address of A. J. Yates, Esq., one of the delegates to the Memphis Convention, on the subject of the rail-road from the Mississippi river to the Pacific.

On motion of Mr. Phillips, the Senate adjourned.

TUESDAY, 9 o'clock, A. M., December 18, 1849.

The Senate was called to order by the President. Senators present : Messrs. Cooke, Davis, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Pease, Phillips Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace.

Prayer by the Chaplain. The journals of yesterday were read and adopted.

Mr. Portis, chairman of the committee on Education, made the following report :

COMMITTEE ROOM, December 14, 1849.

Hon. JOHN A. GREER,

President of the Senate :

A majority of the committee on Education, to whom was referred an act to incorporate the Nueces Manual Labor School, have had the same under-consideration, and have instructed me to report :

The subject of education, and its encouragement in the various methods proposed by the people of Texas, embraces the most interesting portion of our legislative duties. It would be a profitless consumption of time to discuss the importance of education —like the beneficence of God, its benefits and blessings are commensurate with the universe. The particular method proposed in the present bill is one which the committee think of the most

useful and beneficial character—calculated to develope the physical as well as intellectual capacity of the pupil, and well worthy legislative patronage and encouragement. Indeed, so well satisfied are the committee of the blessings which will flow to every portion of the State by the establishment of similar institutions in every county of this State, that they have instructed me to prepare a bill, donating to every county in this State two leagues of land for the establishment of a manual labor school in every county in the State.

The only objection, which has been urged to this appropriation, is the supposed want of power in the Legislature to appropriate any of the public lands until the public debt shall first be discharged. Such a construction, in the opinion of the committee, is not clearly deducible from the joint resolutions of annexation, and certainly was not contemplated by the Congress of the United States, nor by the people of Texas. We have contracted with the United States that the public creditors of the State of Texas should be secured in the payment of their claims by the public lands of Texas; but that agreement was only intended to extend to the reservation by the State of Texas of a sufficient amount of the public domain to discharge, at fair rates, the public debt of Texas. It was not expected that Texas would lock up her immense public domain of one hundred and forty million of acres of land, until by taxation or otherwise she might provide for the payment of seven or eight million of dollars—the public debt of Texas. If the State of Texas were to dispose of her entire public domain, without regard to any of her creditors, it would only make it necessary for her to provide for the payment of her creditors from some other source. It was only a contract that the public debt of Texas should never become a public charge against the United States. But even this was accompanied by a guarantee, on the part of the United States, that the integrity of the territory of the State of Texas would be maintained by the moral guarantee and physical force of the United States. If the Government of the United States has failed in her guarantee, surely Texas is released from her contract. Let a candid examination of the question be made, and it will be seen that the Government of the United States, whose citizens are almost the sole owners and holders of the public debt of Texas, instead of conforming to her guarantee, has used every means, within her power, to cripple and embarrass the State of Texas. She has sent an armed force within our borders and usurped the jurisdiction of a large portion of our territory. The injury already sustained exceeds the amount of the

public liabilities, and Texas, in the opinion of all just men, stands released from any moral obligation to provide for the payment of any portion of the public debt due to the citizens of the United States. But apart from this: The people of Texas owe a debt to themselves which existed prior to annexation, and superior to and above the obligations of the annexation resolutions. The duty to preserve themselves and their inalienable rights, and to transmit unimpaired to successors capable of appreciating and maintaining them. This can only be done by the diffusion of intelligence; and our public domain is the means which we have to confer these blessings. In view of the foregoing, the committee have instructed me to prepare the accompanying bill and recommend its passage.

DAVID Y. PORTIS,

Chairman of the Committee on Education.

A bill donating two leagues of land to each county in this State for the purpose of establishing a manual labor school; read first time.

Mr. McRae, chairman of the committee on Printing, reported that the committee had contracted for the printing of 2000 copies of the reports of the Comptroller and Treasurer at $\frac{1}{2}$ of a cent per page for the first 1000, and $\frac{1}{5}$ of a cent per page for the second thousand to be furnished in pamphlet-form, neatly stitched and trimmed.

Mr. Wallace, from the committee on Enrolled Bills, reported as correctly enrolled the following bills, viz: A bill to authorize and empower all State, District and County officers to continue to perform the duties of their respective offices until their successors shall be duly qualified; and a bill authorizing and requiring the Governor to subscribe, on behalf of the State, for 1500 copies of a digest of the laws of Texas proposed to be published by O. C. Hartley, Esq., and that said bills were presented to the Governor for his approval, on the 17th inst.

Mr. Grimes, chairman of the committee on Finance, to whom was referred a joint resolution appropriating four thousand dollars for the compensation of the assessors of direct taxes for taking the enumeration of the inhabitants of the State for the year 1848, reported the same back to the Senate and recommended its passage.

Mr. Robertson, chairman of the committee on Private Land Claims, to whom was referred a bill authorizing the Comptroller to sell certain lots in the city of Austin, reported the same back to the Senate and recommended its indefinite postponement.

Mr. Robertson, chairman of the committee on State Affairs, to whom was referred a bill to repeal an act to prescribe the time of the biennial meeting of the Legislature of the State of Texas reported a substitute for the same and recommended its adoption and passage.

Mr. Portis, chairman of the committee on Education, to whom were referred a bill to incorporate the President and Trustees of the Guadalupe High School Association, and a bill supplementary to an act entitled an act to establish and incorporate the College of DeKalb, approved January 26, 1839, reported the same back to the Senate and recommended their passage.

On motion of Mr. Grimes, Mr. Latimer was relieved from the committee on Finance, and Mr. Hart was added thereto.

On motion of Mr. Robertson, Mr. Moffett was added to the committee on the Judiciary.

ORDERS OF THE DAY.

The resolution of the Senate, relative to adjournment, was read.

Mr. Van Derlip moved to amend by striking out "Monday, the 1st day of January ensuing;" carried.

On motion of Mr. Robertson, the blank was filled with "Tuesday, the 1st day of January."

Mr. Truit moved to lay the resolution on the table; lost.

Mr. Truit moved to amend by striking out "Tuesday, the 1st day of January" and inserting "26th day of December."

On motion of Mr. Gage, the previous question was put.

The yeas and nays were then called on the adoption of the resolution, and were as follows:

Yea: Messrs. Davis, Kinney, Pease, Phillips, Portis, Robertson and Van Derlip—7.

Nay: Messrs. Gage, Grimes, Hart, Latimer, Moffett, Parker, Taylor, Truit, Ward, Walker and Wallace—11; rejected.

A bill for the relief of the citizens of Mercer's colony; read.

Mr. Pease offered the following amendment: In the second section as amended between the words "Governor" and "shall" in the 2d line, insert the words "by and with the advice and consent of the Senate;" adopted.

Mr. Gage moved to amend the 12th section by striking out "take an affidavit faithfully to discharge the duties imposed on him" and inserting "take the oath prescribed by the constitution;" adopted.

Mr. Walker moved to strike out the 13th section; carried.

Mr. Walker moved to amend by inserting "Sec. 13. That said Commissioner shall continue to perform the duties imposed on him by this act for and during the term of eighteen months from and after his appointment as aforesaid and no longer;" adopted.

Mr. Phillips moved to amend the 12th section by striking out "drawn in favor of the Governor of the State and his successors in office" and inserting "payable to the State of Texas;" adopted.

Mr. Pease moved to amend by striking out the 6th section and inserting in lieu thereof the following as section 6th: "That no certificate shall be located in more than one survey, except there shall not be sufficient vacant land in the place where the same is located to satisfy the same;" rejected.

The bill was then ordered to be engrossed.

The resolution of the Senate to appoint a joint committee to inform the Governor that the Governor and Lieutenant Governor elect will be inaugurated at the Capitol, on Friday, the 21st inst., &c., was read and adopted.

On motion of Mr. Portis, the vote adopting the above resolution was reconsidered, and resolution laid on the table.

Mr. Robertson made the following report:

AUSTIN, December 18, 1849.

To the Honorable President of the Senate:

The joint committee appointed by the two Houses of the Legislature to wait on Col. P. H. Bell and Col. John A. Greer and inform them of their election to the offices of Governor and Lieutenant Governor to serve for two years from and after the 21st inst., and to ascertain at what time it would suit them to be installed into office, have the honor to report that they have waited on these gentlemen, and that they have named Friday, the 21st inst. as the day, and 11 o'clock, a. m., as the hour, at which they will be pleased to meet the Legislature at the Capitol, prepared to enter upon the duties of their respective offices. They, also, tender their acknowledgment, through the committee, to the honorable Legislature for the courtesy shown them. All of which is respectfully reported.

J. B. ROBERTSON,

Chairman, on the part of the Senate.

A message was received from the House of Representatives, through their Chief Clerk, informing the Senate that the House had passed a bill to authorize any two county commissioners to perform the duties of chief justice of the county court, when

said office is vacant, or when said officer is absent from the State, or is unable or disqualified to act—which originated in the Senate, with an amendment;

Also, that the House had passed the following bills and joint resolution, viz :

A bill to amend the 4th section of an act approved March 13, 1848, entitled an act to amend sections ten, eleven, thirteen and twenty-two of an act to organize the Supreme Court of the State of Texas, approved May 12, 1846;

A bill to apportion the Senators and Representatives of the Legislature among the several counties of this State, according to the requirements of the constitution; and,

Joint resolution instructing our Representatives in Congress to use their efforts to obtain an appropriation for the improvement of the navigation on our south-western coast; which were severally read first time.

Also, that the House had adopted a resolution appointing a committee to wait on the Governor and request him to be present at the inauguration of the Governor and Lieutenant Governor elect, on Friday, the 21st inst., &c.

A bill to amend the 24th section of an act regulating attachments, approved March 11, 1848, and to add to said act another section to be section 31, together with the substitute for the same reported by the Judiciary committee, was read; substitute adopted, and bill ordered to be engrossed.

A bill to amend the 3d, 4th, 6th, 7th and 9th sections of an act authorizing and requiring the county courts to regulate roads and appoint overseers, &c., approved March 15, 1848, together with the report of the committee on Roads, Bridges and Ferries reporting a substitute for the same, was read, and report adopted.

Mr. Robertson moved to amend by adding the following proviso to the end of the 1st section:

"Provided that every overseer of a road shall be required to work his road through his beat, at least twice in each year, between the months of April and August, and between the months of September and January;" which was adopted by the following vote:

Yea: Messrs. Cooke, Gage, Moffett, Phillips, Robertson, Truit, Van Derlip and Walker—8.

Nay: Messrs. Grimes, Hart, Latimer, Parker, Pease, Taylor, Ward and Wallace—8. The President voted in the affirmative.

The bill was then passed to the third reading.

Resolution of the House appointing a committee to wait on the Governor and request him to be present at the inauguration of the Governor and Lieutenant Governor elect, &c., was read.

Mr. Robertson offered the following as a substitute:

Resolved, That the President appoint a committee of three members, on the part of the Senate, and that the House of Representatives be respectfully requested to appoint a like committee to wait on Gov. Geo. T. Wood and notify him that the inauguration of the Governor and Lieutenant Governor elect will take place at the Capitol at 11 o'clock, a. m., on Friday, the 21st inst., and to invite him to attend and make such communication as he may desire on that occasion; adopted.

Messrs. Wallace, McRae and Truit were appointed said committee.

Mr. Cooke, from the committee on Public Lands, made the following report:

COMMITTEE ROOM, December 18, 1849.

To the Honorable JOHN A. GREER,
President of the Senate:

The committee on Public Lands, to whom was referred an act authorizing the Commissioner of the General Land Office to issue patents to applicants from the board of Land Commissioners of Robertson county that have not been legally returned to the Commissioner of the General Land Office, have had the same under consideration, and beg leave to report a substitute for the original bill and recommend its passage.

That various circumstances combined at the organization of Robertson county to prevent a *full* and *complete* record of their proceedings from being kept by the board of Land Commissioners did exist, there is no doubt, and it appears that the applicants for land certificates *complied with all the provisions of law*, in order to obtain their certificates.

To *withhold* their patents for the *failures or neglect* of the county officers, would be gross injustice. The State can gain nothing by the suspension of patents on these claims, for the lands are located and surveyed by virtue of these certificates, and the lands cannot be appropriated by laying any other certificates on them. The substitute contains *sufficient precautionary* provisions to prevent any fraud being inflicted on the State by any illegal appropriation of her domain, through spurious certificates.

Believing, therefore, that it is but an act of justice to grant

patents on these claims, the committee, therefore, recommend the substitute to the favorable consideration of the Senate.

W. K. COOKE,
One of the Committee.

A bill making an appropriation to defray the expense incurred in publishing the proposed amendment to the constitution; read, and, on motion of Mr. Van Derlip, laid on the table.

Resolution of the Senate, relative to electing a Sergeant-at-arms pro. tem. was read, and, on motion of Mr. Cooke, laid on the table.

Resolutions on the subject of slavery; read second time, and, on motion of Mr. Wallace, referred to the committee on State Affairs.

A bill to authorize the county court of Jasper county to have levied and collected a special county tax to be applied exclusively to the erection of a jail and court-house for said county; read second time, and, on motion of Mr. Portis, referred to the committee on Finance.

A bill to restore land, bought in by the State for taxes thereon, to the former owners; read second time, and, on motion of Mr. Latimer, referred to the committee on Finance.

A bill to repeal an act entitled an act to prescribe the time of the biennial meeting of the Legislature of the State of Texas; read second time, and, on motion of Mr. Robertson, laid on the table.

A message was received from the House of Representatives, through their Chief Clerk, informing the Senate that the House had adopted the substitute of the Senate for a resolution appointing a committee to inform the Governor of the time of the inauguration of the Governor and Lieutenant Governor elect, &c., and that Messrs. Lott, Holland, Clements and Millican were appointed a committee on said resolution.

A bill to incorporate the Texana Academy; read third time.

Mr. Portis moved to amend the 9th section by striking out the words "at the expiration of his term" and inserting in lieu thereof the words "same time" in the 6th line of said section; adopted.

The bill was then passed by the following vote:

Yea: Messrs. Davis, Gage, Grimes, Kinney, Latimer, Maffett, Parker, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward and Wallace—15.

Nay: Messrs. Hart, Pease and Walker—3.

A bill to amend an act to organize the District Courts, and "

define their powers and jurisdiction, approved May 11, 1846; read second time, and, on motion of Mr. Gage, referred to the committee on the Judiciary.

Joint resolution for the relief of the heirs of Peter Crudden, deceased; read second time, and, on motion of Mr. Parker, referred to the committee on Private Land Claims.

Mr. Kinney introduced a joint resolution, relative to making the port of Aransas a port of entry, and to erect a light-house upon Mustang Island; read first time.

Mr. Grimes offered the following resolution:

Resolved by the Senate, That the committee on Printing be instructed to procure the printing of the following tables, together with the Comptroller's report.

STATEMENT A.

A statement of the amount due and undrawn on appropriations for the years 1846 and 1847, on the 31st of Oct. 1847.

Also, the amount of appropriations made for the support of Government for the years 1848 and 1849, exhibiting the amounts drawn thereon; and the unexpended balances at the close of the fiscal year, ending the 31st October, 1849.

STATEMENT B,

Showing the amount of revenue received from various sources, both on account of the late Republic of Texas and of the State, between the 31st October, 1847, and the 31st October, 1849.

Also, exhibiting the kind of currency in which the same was paid.

STATEMENT C.

Cash receipts, in account current with expenditures from the 31st of October, 1847, to the 31st of October, 1849, showing the manner in which the revenues have been disposed of.

STATEMENT D.

Estimate of the probable receipts and expenditures of the State Government for the year, commencing November the 1st, 1849, and ending October the 31st, 1850. Including the probable amount of receipts from revenue previously accrued, and the amount due upon appropriations of previous years yet to be drawn.

STATEMENT E.

The recapitulation only on pages 95, 96 and 97 shall be printed.

On motion of Mr. Wallace, the Senate adjourned.